

Emergency Order 2021-2

CITY OF BOULDER ORDER RELATED TO DECLARATION OF LOCAL DISASTER EMERGENCY

A disaster emergency was declared by the city manager on March 14, 2020. The city council confirmed and extended the emergency declaration until further notice at the March 16, 2020 special council meeting. The disaster emergency declaration is still in place. Pursuant to Section 2-2.5-7, "Powers," B.R.C. 1981, the city manager finds a need to issue this order in order to protect the health, safety and welfare of persons or property within the city or to otherwise preserve the public peace or abate, clean up or mitigate the effects of any disaster emergency.

In response to the disaster emergency, the city, in partnership with the City of Longmont and Boulder County, set up a COVID-19 Recover Center (CRC). The CRC provides people experiencing homelessness with a place to rest, isolate, and recover during the COVID-19 disaster emergency. People experiencing homelessness do not have places to rest or isolate and therefore cannot follow the Center for Disease Control and Prevention (CDC) and public health guidelines when they are not feeling well, are experiencing symptoms of the COVID-19 virus, or have tested positive for the virus. The CRC gives people experiencing homelessness a place to rest, isolate, and recover. The CRC is essential in the city's recovery from the COVID-19 disaster emergency.

The CRC closed in June 2021 because the number of COVID cases was quite low, and it was determined that there was no longer a need for the facility. However, recently the number of COVID cases have begun to rise at an alarming rate. This requires that a new CRC location be established immediately to ensure people experiencing homeless continue to have a place to rest, isolate, and recover when feeling ill, experiencing symptoms of the virus, or having tested positive for the virus.

Many people experiencing homelessness are addicted to nicotine and will not use the CRC if they cannot smoke. To encourage people experiencing homelessness to use the CRC, the city needs to establish a limited outdoor area adjacent to the CRC where individuals can smoke.

Subsection 2-2.5-7(r), "Powers," B.R.C. 1981, authorizes the city manager to "suspend or modify provisions of any ordinance if strict

compliance with such ordinance would prevent, hinder, or delay action that is necessary to cope with any disaster emergency.”

I find that the continued operation of the CRC is essential to the city’s recovery from the COVID-19 disaster emergency and is in the interest of the public’s life, health, safety and welfare.

To quickly establish and operate the CRC at a different location, certain land use regulations, smoking regulations, building code regulations, and other requirements of the Boulder Revised Code may need to be suspended or modified to facilitate the relocation of the CRC without preventing, hindering, or delaying this action that is necessary to cope with the disaster emergency.

Accordingly, effective immediately, the city manager or the Director of the Department of Planning and Development Services and employees of that Department under the Director’s direct supervision may suspend or modify any provision within the Boulder Revised Code, 1981, to help re-establish and operate the CRC, including the establishment of a smoking area adjacent to the CRC for the period of time that the location is being used as the CRC.

In using the authority under this emergency order, the health, safety, and welfare of the users, visitors, staff, and volunteers of the CRC and of the general public shall be considered.

This order is necessary to allow for the quick and safe establishment of the CRC and to allow people experiencing homelessness to comply with CDC and public health orders and guidelines which will reduce the risk of infection during the disaster emergency. Once issued, this order may be changed from time to time during the period of a declared disaster emergency based upon the discretion of the city manager.

Enforcement: Pursuant to Section 2-2.5-8, “Adherence to Emergency Orders,” B.R.C. 1981, Police, code enforcement and such other law enforcement and peace officers as may be authorized by the city manager shall be authorized to enforce the orders, rules and regulations made or issued pursuant a declared disaster emergency. Further, no person shall violate this order, or any permit is issued pursuant to this order. Any such violation may result in the revocation of any such permit.

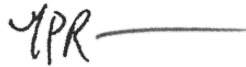
Notice: All members of the public shall be deemed to have been given notice of the

restrictions contained within a declaration upon its dissemination to the news media or publication on city websites or by use of other means of publicity.

Violation of Order: During the period of a declared disaster emergency, a person shall not:

- (1) Violate any of the orders duly issued by the city manager or designee pursuant to such declaration; or
- (2) Willfully obstruct, hinder or delay any duly authorized city officer, employee or volunteer in the enforcement or exercise of the provisions of this chapter, or of the undertaking of any activity pursuant to this chapter.

DATE: September 2, 2021, 4:50p.m. a.m./p.m.



City Manager or other Authorized City Official
as designated by
Chapter 2-2.5, "Civil Emergencies and Disasters,"
B.R.C. 1981.